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December 11, 2017

Via Email

Glen G. McGorty, Esq.
Independent Monitor
Crowell & Moring
590 Madison Ave. 20th Floor
New York, New York 10022

Re: Notice of Protest: 2017 Election of Officers
of the New York City Council of Carpenters

Dear Mr. McGorty:

We write on behalf of our clients Joseph Geiger, Stephen McInnis, and Michael Cavanaugh (hereafter the "Solidarity Slate"). As you are aware, the Members Voice slate filed a complaint alleging, *inter alia* that my clients used improperly accessed District Council data in generating their robocall and robotext list. As our prior submissions establish, these allegations are entirely unsubstantiated. Further evidence responsive to your follow up questions is forthcoming.

We write today however in connection with actual violations of the Election Rules by the Members Voice slate. We ask that you immediately investigate such violations and take all appropriate actions up to and including disqualification of the Members Voice slate in the upcoming election.

False Statement To IM: Violation Of Election Rule Section 7: Paragraph 11

Election Rule 7.11 regarding "False statements and testimony" provides in relevant part:

Providing knowingly and materially false statements
or testimony to the IM in any submissions or proceedings,

including the protest procedures under the Rules.

In raising their protest of Solidarity Slate Members Voice have committed a grave violation of the election rules. Specifically, in the affidavits in support of Members' Voice protest, John DeFalco states under pains and penalties of perjury that he does not have a prior drug conviction. Attached as Exhibit A is a record of his prior conviction. There is also evidence that Members Voice slate perjured themselves in their affidavits but the information to support the claims of perjury would have to be requested from the District Council and or the Carpenter's Training Center. As Independent Monitor you possess the authority to request this documentation and to veto any candidate who has made a perjured statement.

Violation Of Election Rule Section 4.2(c): Members Voice Has Failed To Make Financial Disclosures As Required By The Election Rules

In their complaint regarding my clients, Members Voice admit to having made "mass" campaign voicemails to the membership through a ringless voicemail service. (I here attach files corresponding to at least 11 discrete voicemails made by the Members Voice slate as mass voicemails to their lists on at least 11 occasions.) In response to this admission, on Tuesday, December 5, 2017 my client Mr. Cavanaugh went to Dave Burroughs' office and personally examined the financial disclosures of all other candidates including Members Voice slate, pursuant to Election Rule Section 4.2 (c). This examination revealed that Members Voice failed to disclose any spending on mass voicemails. No such line item exists. Thus, Members Voice failed to disclose any funds spent on a campaign activity which they have admittedly engaged in. Further it appears that Members Voice expenses are much more than their stated contributions. Indeed Solidarity Slate is aware that Members Voice held a fundraiser at the restaurant Jack Dempsey's and upon inspection of Members Voice's disclosure statement, Mr. Cavanaugh found no line item for expenses of this fundraiser.

Solidarity Slate hereby protests the above violations and requests that the Independent Monitor fully investigate these false disclosures and inspect Members Voice books and records as permitted under the rules and take all appropriate action.

Also, in light of the fact that several members of the Members Voice slate are Executive Board members of Local 157 and would have access to members' phone numbers, Solidarity Slate requests that you also require them give you information regarding their collection of numbers and to take steps to determine if they accessed union resources to obtain the numbers they used for their mass voicemail campaign.

Violation Of Election Rule Section 4.2 (C) Unlawful Contributions

Implicit in Members Voice false financial disclosures, is the fact that Members Voice has received undisclosed services of value from either an unlawful source pursuant to Section 4.1 (c), (d) and/or (e) or an unlawful amount pursuant to Section 4.1 (b). Indeed it appears that Members Voice has engaged in a pattern of accepting unlawful donations in violation of the Election Rules. Specifically, Solidarity Slate has become aware that Members Voice have been receiving services

from an employer named Frank Spotorno, of the company Park Line Elevator Cab Services. Members Voice has been using this employer's pick-up truck and video/sound equipment to advertise their slate at various locations.

Additionally, ELECTION RULE 4.2(c) provides in relevant part:

No employer may contribute any monies or anything of value to the campaign of any candidate to be a District Council officer. No candidate for nomination or election as a District Council officer shall accept or use any monies or anything of value from any employer, representative of an employer, foundation, trust or similar entity, except as specified. Election Rule 4.2(c).

Solidarity Slate hereby protests the above violation and requests that the Independent Monitor fully investigate these unlawful campaign contributions and take all appropriate action.

Members Voice False and Misleading Campaign Statements Should Be Rescinded Within the Scope of the IM's Discretion Consistent With Your Review of All Campaign Materials

On December 5, you had required all parties to clear any campaign messages or materials with you before they were posted. At approximately 5pm on December 5, well after the issuance of your ruling, John DeFalco posted to the Members Voice website a video showing him at a school and attacking the Solidarity Slate for allowing the school to be non-union and attributing this "fact" to the Solidarity Slate. In fact, all schools are union under a project labor agreement so the allegation made in the video is completely false. The Slate protests this message being posted on the Members Voice website not only because it was not cleared with you but because of its false, misleading and inflammatory content. Also on Saturday December 9, 2017 various posts and robocalls were distributed by Members Voice which are also false and we do not believe were cleared with you. For example the robocall claimed that Solidarity Slate did not oppose various changes to worker's compensation law which would hurt our members. In fact we have been very active in opposing negative changes to workers comp laws.

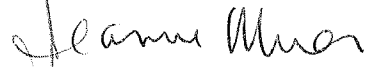
Indeed, Members Voice has run a campaign build upon false and misleading statements. While your rule was adopted in order to curb inflammatory campaigning Solidarity Slate believes that knowingly false and unsupportable statements should not be permitted in the campaign. These statements are a form of fear mongering calculated to mislead voters into voting against the Solidarity Slate and it would be improper and inequitable treatment of the slates to ban true yet *ad hominem* statements about Members Voice candidates while permitting false statements to be said of Solidarity Slate.

Among the dangerous misstatements made by Members voice about Solidarity Statement are also that re-electing the Solidarity Slate will result in an across the board \$15.00 per hour pay cut, that members will lose their pensions, and that the New York City Council will merge with the Northeast Region of Carpenters. All of these claims are false. We request that you instruct

them to stop making these false claims and to correct the record that there is no evidence that any of the claims made is based in reality.

Further Solidarity Slate requests that the campaign materials issued by Members Voice without your approval be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeanne Mirer", written in a cursive style.

Jeanne E Mirer

Cc: Joseph Geiger
Stephen McInnis
Michael Cavanaugh

EXHIBIT A



Prior Fees

Additional Fees

CASE NUMBER : 89000123 DEF SEQ NO: 0000
 DEFENDANT NAME: DEFALCO JOHN F SENTENCE SEQ NO: 0000

CHARGING DOC : INDICTMENT CDR NO: 0000
 CHARGE COUNT : 002 STATUTE : 2C:35-5B(3) IND/ACC NO : 89-04-00900-I
 STATUTE : CDS - MANU/DIST/PWID - HEROIN/COCAINE - < .50Z
 STATUTE DEG : DEGREE NOT ASSIGNED SENTENCE CONT : AGGREGATE SENTENCE
 SENTENCE DISP : NON-CUSTODIAL JAIL DAYS: 0000 INCAR LENGTH: 000Y00M00D

PLACE SENTENCE: GAP: 0000 PRIOR SVC: 0000 ROSADO: 000
 PAROLE INELIG : PAROLE SUPERVISION: 00Y00M00D CSL/PSL :
 PROBATION TIME: 05Y00M COMM SERV HR: 0000 LICENSE SUSP : 006

SENTENCE DATE : 09 22 1989 ARTHUR N RO-1 : RO-2 :
 JUDGE : DITALIA

-----FEES AND FINES-----			
SNSF :	LETF :	VCCA :	30.00
LAB :	50.00 DESI :	DEDR :	1000.00
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FORMATION FOUND FOR THIS DEFENDANT

Scheduled Event

SONO

WOLFE

Event Detail

Sentence

4501
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12 January
1950
A

Figure 1: Schematic diagram of the experimental setup. A subject is seated at a table, viewing a video screen. A camera is positioned above the screen. A target is located on the screen. A horizontal line is drawn on the screen, representing the target position. The distance between the subject and the target is labeled as 'distance'.

DEFENDANT NO : 361
: 8908123

ST. JOHN'S **DEACON** **JOHN** **FF**

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IN ALLTY TYPE : PRIVATE ATTORNEY

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SUMMARY DATA

COGNITIVE POTENTIAL : INDICENT

NO ACTION : GUILTY

BEASON : GUILTY PLEA AS CHARG

ALL ABOUT

WAVE OF THE FUTURE

SENTENCE DATE

TO REFINANCE

421

220

BIRTH NAME : DEFALCO JOHN F
BI NO : 543876B BIRTH YEAR : 1968 SEX: M
COUNTY CASE NO : 89000123
AUD CASE INIT DATE : 01 04 1989
DEFN NO : 001 DEFN'S CASE NAME : DEFALCO JOHN

CHARG DOC : IN
INDIC/ACC NO: 89-04-00900-I DISP DATE : 07 10 1989 ACTION
REASON : GUILTY PLEA AS CHARG SENTENCE DATE: 09 22 1989

BIRTH NAME :
BI NO : BIRTH YEAR : SEX:
COUNTY CASE NO :
CASE INIT DATE : DEFN'S CASE NAME :
DEFN NO :
CHARG DOC : ACTION :
INDIC/ACC NO: DISP DATE :
REASON : SENTENCE DATE: